

Serial No.: 09/785, 514
Filed: February 16, 2001

REMARKS

Claims 14-34 are pending and listed above in the listing of claims. Applicants draw the Examiner's attention to claim 21. This claim was amended in the previous response to office action. However, there was an inadvertent omission of the classifier "amended". Applicants believe that the amendment was entered and that the claim as presently listed represents the claim as presently pending.

Claims 1-13 are withdrawn as drawn to non-elected invention.

Also, Applicant draws the Examiner's attention to the Information Disclosure Statement filed August 14, 2002. Thus far there has been no indication that the references included therein have been considered by the Examiner despite the filing of appropriate fees along with the Information Disclosure Statement and the filing of an RCE subsequent to the filing of the Information Disclosure Statement. Applicant submits that these references should have been considered and respectfully requests explicit notice of such consideration.

Double Patenting Rejection

Claims 14-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,355,431 B1 ('431) in view of Chee et al. (U.S. Patent No. 6,429,027 ('027)).

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Without necessarily agreeing with the propriety of the rejection and without agreeing with the representations made by the Examiner regarding the cited references, but rather to expedite prosecution of this application, Applicant is submitting herewith two (2) terminal disclaimers, one of which disclaims the terminal portion of the present application that would extend beyond the expiration of the '431 patent and one of which disclaims the terminal portion of the present application that would extend beyond the expiration of the '027 patent.

Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

CONCLUSION

Applicants submit that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner feels there are further unresolved issues, the Examiner is respectfully requested to phone the undersigned at (415) 781-1989.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date:

8/28/2003

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